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26M2/1102  
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EXAMINER	ART UNIT	PAPER NUMBER
OEHLING, G	2608	S

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined

Responsive to communication filed on 5/18/95

This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

1.  Notice of References Cited by Examiner, PTO-892.
2.  Notice of Draftsman's Patent Drawing Review, PTO-948.
3.  Notice of Art Cited by Applicant, PTO-1449.
4.  Notice of Informal Patent Application, PTO-152.
5.  Information on How to Effect Drawing Changes, PTO-1474.
6.  \_\_\_\_\_

**Part II SUMMARY OF ACTION**

1.  Claims 86-142 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2.  Claims 1-85 have been cancelled.

3.  Claims \_\_\_\_\_ are allowed.

4.  Claims 86-142 are rejected.

5.  Claims \_\_\_\_\_ are objected to.

6.  Claims \_\_\_\_\_ are subject to restriction or election requirement.

7.  This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8.  Formal drawings are required in response to this Office action.

9.  The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are  acceptable;  not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10.  The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been  approved by the examiner;  disapproved by the examiner (see explanation).

11.  The proposed drawing correction, filed \_\_\_\_\_, has been  approved;  disapproved (see explanation).

12.  Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has  been received  not been received  been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.

13.  Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14.  Other

**EXAMINER'S ACTION**

1. The disclosure is objected to because of the following informalities: pages 1-9 of the Appendix are illegible.

Applicant is requested to submit legible copies of pages 1-9 of the Appendix. Appropriate correction is required.

2. Claims 86-142 are rejected under the judicially created doctrine of double patenting over claims 1-89 of U. S. Patent No. 5,436,960 and claims 1-80 of U.S. Patent No. 5,438,611 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: a system for transmitting information from one of a plurality of originating processors contained in an electronic mail system to at least one of a plurality of destination processors in an electronic mails system by means of at least an interface switch and an RF information transmission network.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

3. Claims 86-142 are rejected under the judicially created doctrine of double patenting over the claims of copending application number 07/702,938.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: a system for transmitting information from one of a plurality of originating processors contained in an electronic mail system to at least one of a plurality of destination processors in an electronic mails system by means of at least an interface switch and an RF information transmission network.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

4. Claims 86-142 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Consider claims 86 and 142. The phrase "one of the at least one interface switch connecting the electronic mail system

containing the plurality of destination processors to the RF information transmission network" is unclear since it is the electronic mail system containing the originating processor that is connected to the interface switch for transmitting the originated information to the RF information transmission network. For examination purposes, the examiner will assume that this recitation of "destination processor" is actually the "originating processor".

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 142 is rejected under 35 U.S.C. § 102(b) as being anticipated by Gifford (U.S. Patent 4,845,658).

Consider claim 142. Gifford discloses in figure 1 a system for transmitting originated information from one of a plurality of originating processors (38, 40, 42) in an electronic mail system to at least one of a plurality of destination processors (28) in an electronic mail system wherein the originated information is transmitted to the destination processor via an RF information transmission network (24). The system further comprises an interface switch (30) which connects the electronic mail system containing the originating processor to the RF

information transmission network for transmission to the destination processor. The system also transmits "other" information from one of the originating processors to a destination processor through a wireline without using the RF network, i.e. the destination processor establishes modem communication over a wireline (34 and 36) in response to an inquiry for additional information by the destination processor.

7. Claims 86-141 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. 112.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Oehling whose telephone number is (703) 305-4835.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

The fax number for Group 2600 is (703) 305-9508.

  
G. Oehling  
October 29, 1995  
SUPERVISORY PATENT EXAMINER  
GROUP 2600